



AN ACT GENERALLY REVISING LAWS RELATED TO PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR PROGRAMS; PROVIDING ADDITIONAL REQUIREMENTS FOR LICENSURE; INCREASING THE FREQUENCY OF ONSITE INSPECTIONS BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 52-2-805 AND 52-2-810, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 52-2-805, MCA, is amended to read:

**"52-2-805. Requirements for licensure -- restrictions -- rulemaking.** (1) The department shall require applicants and licensees:

(a) to submit a set of fingerprints for each person associated with the program who has direct access to program participants for the purpose of conducting a criminal and child protection background check by the Montana department of justice and the federal bureau of investigation. This background investigation must include information pertaining to criminal convictions, reports of domestic violence, and substantiated child abuse or neglect of children.

(b) to maintain and to provide verification of policies of insurance in a form and in an adequate amount as determined by rule.

(2) In developing minimum standards for licensed programs, the department ~~may~~ shall adopt rules that pertain to ensuring the health and safety of program participants, including:

(a) a procedure for a licensed program to report the use of a medical, chemical, or physical restraint or seclusion to the department within 1 business day after the day on which the use of the medical, chemical, or physical restraint or seclusion occurs;

(b) guidelines for written policies and procedures of the licensed program, including policies and

procedures on suicide prevention and for implementation of the requirements and restrictions in subsections (3) and (4);

(c) a procedure for the department to review and approve the licensed program's policies and procedures; and

(d) a procedure for submitting a complaint about a licensed program to the department and law enforcement and a requirement that each licensed program publicly post information that describes how to submit a complaint about the licensed program to the department and law enforcement.

(3) A licensed program may not:

(a) use physical discipline or the threat of physical discipline as a punishment, deterrent, or incentive;

(b) deprive a youth of basic necessity or inherent right, including education;

(c) admit a youth who is under the age approved in the licensure or has a condition not allowed to be treated under the licensure; or

(d) sexually abuse, exploit, or harass an enrolled youth.

(4) A licensed program must:

(a) allow a parent or guardian to remove a youth from the licensed program; and

(b) unless otherwise prohibited by law or court order, facilitate weekly confidential video communication between a youth and the youth's parents, guardians, or foster parents.

(5) A licensed program shall provide a fixed number telephone to the child abuse hotline operated by the department that is readily available to enrolled participants 24 hours a day."

**Section 2.** Section 52-2-810, MCA, is amended to read:

**"52-2-810. Periodic visits to facilities by department -- investigations -- consultation with licensees and registrants.** (1) The department or its authorized representative shall make periodic visits to all licensed programs to ensure that minimum standards are maintained.

(2) The department ~~may~~shall investigate and inspect the conditions and qualifications of any program seeking or holding a license under the provisions of this part.

(3) (a) The department shall conduct an onsite inspection of:

~~(a)~~(i) each program applying for a license; and

~~(b)~~(ii) each licensed program at least ~~once every 3 years~~ semiannually.

(b) The semiannual inspections of a licensed program must be unannounced.

(c) At least 50% of the youth enrolled in the program must be interviewed by department staff during each inspection. Program staff may not be present during these interviews.

(d) All records of a licensed program must be open to inspection by the department at all reasonable times.

(4) ~~Upon~~On request of the department, the state fire prevention and investigation section of the department of justice shall inspect any program for which a license is applied for or issued and shall report its findings to the department."

- END -

I hereby certify that the within bill,  
HB 218, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

HOUSE BILL NO. 218

INTRODUCED BY L. SMITH, C. KNUDSEN, M. CAFERRO, D. LOGE, B. KEENAN, B. USHER

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